

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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TRILOGY MARKETING, INC.,

Plaintiff,

v.

Case No. 12-13967

MEMSIC, INC.,

Defendant.

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**ORDER GRANTING PLAINTIFF'S MOTION TO STRIKE**

On October 21, 2013, Plaintiff Trilogy Marketing, Inc. ("Trilogy") filed a "Motion to Strike, In Part, Defendant's Response in Opposition to Plaintiff's Motion for Summary Judgment or, in the Alternative, Leave to File a Full Response." [Dkt. # 36] Trilogy objects to Defendant Memsic, Inc.'s ("Memsic") response to the extent that Memsic argues that it should be granted summary judgment "on all of Plaintiff's Counts from its Complaint."

On April 4, 2013, the court set August 2, 2013 as the dispositive motion deadline. Trilogy filed its motion for summary judgment on August 2; Memsic chose not to file any dispositive motions. Having missed this deadline, Memsic now attempts to insert a cross-motion for summary judgment in its response to Trilogy's motion. However, Rule 5(e) of Eastern District of Michigan's Electronic Filing Policies and Procedures states: "a response or reply to a motion must not be combined with a counter-motion. Papers filed in violation of this rule will be stricken." Accordingly,

IT IS ORDERED that to the extent Memsic argues that it is entitled to summary

judgment in its response, its argument will not be considered by the court and is considered STRICKEN. [Dkt. # 34]

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: October 24, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 24, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522